

Minutes of Regular Meeting
HOUSING PROGRAMS ADVISORY COMMITTEE
Village of Oak Park
May 25, 2021
7:00 pm – Zoom Platform Remote Meeting

CALL TO ORDER: The meeting was officially called to order at 7:07 p.m. by Chairperson, Dominic Tocci

ROLL CALL:

PRESENT: Dominic Tocci (Chair), Jonathan Burch, and Andrew Williams-Clark

ABSENT: Mary Mauney - Three vacancies

STAFF PRESENT: Jeffrey J. Prior (staff liaison), Tammie Grossman

PUBLIC PRESENT: Kate Walz, Michelle Gilbert, Gary Arnold, Kevin Scott, David Pope, Mike Fox, Mike Scobey, Bill Planek, and Mike Smigielski

REVIEW AND APPROVAL OF MEETING AGENDA: Mr. Drew Williams-Clark moved to approve the agenda. Mr. Jonathan Burch seconded the motion, which passed unanimously.

NON-AGENDA PUBLIC COMMENT: No non-agenda public comment was provided.

APPROVAL OF MINUTES: Mr. Johnathan Burch moved to approve the minutes from the October 21, 2020 meeting. Mr. Drew Williams-Clark seconded the motion, which passed unanimously.

CONSIDERATION OF THE COOK COUNTY RESIDENTIAL TENANT LANDLORD ORDINANCE (RTLO) FOR RECOMMENDATION TO THE VILLAGE BOARD:

Chair Tocci began the discussion by reviewing the options presented before the committee. He then requested to hear the Village staff recommendations with a focus on why amendments are necessary and whether local adoption has any impact on the County level remedies. All HPAC members agreed with this approach.

Mr. Prior presented the three main recommendations being proposed by the Village. The first recommendation was a reference to the location of the maximum occupancy permitted by the Village Code in Section 404.4.1 and Section 404.5.1. This change would be inserted in the Village recommended ordinance 12-6-4.B (County Ordinance Sec. 42-804.B). The second recommendation was a reference to the location of the 2009 International Property Maintenance Code in the Village Code found in Section 7-13-1 and Section 7-13-2. This change would be inserted in the Village recommended ordinance 12-6-5.C.2 (County Ordinance Sec. 42-805.C.2). The third recommendation was a reference to the location of the tenant's right to adequate

heat which is governed by Section 602.3 of the International Property Maintenance Code of the Village Code found in Section 7-13-2.

Chair Tocci asked about the need for the change to the occupancy provision in that was there a conflict with the County Ordinance. Mr. Prior responded that the County Ordinance specifies that the occupancy shall not be the maximum occupancy permitted elsewhere in the applicable building codes. The change was to clarify the location of that section in the current Village Code since there are two locations.

Chair Tocci then asked about a previous issue that was discussed, bed bugs. Mr. Prior responded that the 2009 International Property Maintenance Code has a specific section dealing with Pest Elimination under which bed bugs would be applicable, thus there would be no need for another reference.

Mr. Williams-Clark stated that the Cook County Ordinance reference and defer to the local building codes and questioned the need to reclarify this in a local ordinance. Ms. Grossman responded by stating that since the Village is adopting the ordinance as their own, there would be a need to clarify this in the local ordinance. The reason for recommending adopting the local ordinance would be to provide for local enforcement and adjudication. Ms. Grossman proceeded to address a question raised by Mr. Williams-Clark in an e-mail pertaining to a lack of tickets issued security deposits and heat issues. The reason for this is due to the continual education of the landlords. Previously tickets were issued but there is no need currently.

Mr. Burch asked informally many complaints were received pertaining to security deposits. Ms. Grossman responded that the Community Relations Department handles those complaints and she did not have those numbers but could obtain them.

Chair Tocci asked if the Village did not adopt the ordinance and took no action on the ordinance, how would that change what the Village is able to do now. Ms. Grossman explained that this would change the Village's practice overall. The Village currently has an active communication with tenants and landlords. Without the passage of a local ordinance, many issues would be referred to Cook County. As a home rule jurisdiction, it is important to have our own ordinance which the Village can enforce.

Chair Tocci asked with local level adoption, would it impact any remedies or protections at the County level. Ms. Grossman explained that it would not. A tenant or landlord would still have the right to file a civil case. A local ordinance would provide the Village more authority to enforce its ordinance and issue tickets. A ticket issued against a landlord could also be used by a tenant in a civil case.

Written public comments were read from Dr. Keisha-Marie Alridge (in favor of the RTLO with no local intervention), Sade Smith (in favor of the RTLO with no local intervention), Kara Pivarski (in favor of the RTLO with no local intervention), Jennifer Thompson (in favor of the RTLO with no local intervention).

After the comments were read, Chair Tocci made a general statement that the public written comments all seemed to echo a theme that by passing a local ordinance that

protections for Oak Park renters would be diminished or eliminated. Chair Tocci reaffirmed that according to the Village that this would not be the case.

Verbal public comments were presented by Kate Waltz (in favor of the RTLO with no local amendments), Gary Arnold (in favor of the RTLO with no local amendments), Kevin Scott (in favor of the RTLO with no local amendments), David Pope (in favor of the RTLO with local amendments), Mike Fox (in favor of the RTLO with local amendments), Mike Scobey (in favor of the RTLO with local amendments), Bill Planek (in favor of the RTLO with local amendments), Mike Smigielski (in favor of the RTLO with no local amendments), and Michelle Gilbert (in favor of the RTLO with no local amendments).

Chair Tocci followed up with Ms. Gilbert. He reaffirmed Ms. Gilbert's comment that the Village's version was not watering down the ordinance; however, by adopting a local version it provides a path to weakening the ordinance. Ms. Gilbert agreed that a local ordinance could make it easier than at the County level to make changes.

Mr. Burch appreciated the views presented by both the sides of the issue. He wanted to look closer at the local adoption question. He felt it was compelling that there would be no diminishment of tenant's rights.

Mr. Williams-Clark also wanted to thank the participants for their views. He expressed his opinion that it is important to listen to those renters who have expressed the view that they don't want this adoption. He stated that he believes that staff will be still be able to enforce the property maintenance codes. He doesn't want to provide a pathway to weaken the ordinance and for Oak Park to be the first to opt out of a good county ordinance. He stated that he believes that the ordinance needs a chance to work and at a later time if needed adopt a local ordinance. For all of those reasons, he is against local adoption.

Ms. Grossman wanted to clarify that if adopted, the Village would not be issuing tickets for security deposits. This could be done in small claims courts, which would be the proper venue. Ms. Grossman further explained that staff's recommendation moving forward would be to adopt a local ordinance so that enforcement could be conducted locally.

Chair Tocci asked what would be the down side for accepting the County Ordinance take effect. Ms. Grossman restated that tickets could not be issued. Landlords also look to the Village for guidance and authority to ensure that there is a good landlord tenant relationship and to help them resolve disputes. This is the history of the Village and it is important to have our own ordinance to point to, enforce and educate the building owners.

Mr. Williams-Clark moved to recommend against local adoption of the ordinance. Mr. Burch seconded the motion. A roll call vote was taken.

Commissioner Burch	Yes
Commissioner Williams-Clark	Yes
Chair Tocci	Yes

The motion carried, 3-0, not to recommend the local adoption of the Cook County Residential Tenant and Landlord Ordinance.

OTHER BUSINESS: None

ADJOURNMENT: Mr. Jonathan Burch moved to adjourn the meeting at 8:40 p.m. Mr. Drew Williams seconded the motion, which carried unanimously.

Respectfully submitted,
Jeffrey J. Prior, Staff Liaison